

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>AUGUSTUS SIMMONS</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>NO. 20-6030</b>
	:	
<b>THOMAS C. BRANCA, et al.</b>	:	

**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of December 2020, upon considering Plaintiff Augustus Simmons' Application to proceed *in forma pauperis* (ECF Doc. No. 1), Prisoner Trust Fund Account Statement (ECF Doc. No. 3) and Complaint (ECF Doc. No. 2), consistent with our obligations under 28 U.S.C. § 1915(e)(2)(B)(ii) to screen a Complaint seeking to proceed without paying the filing fees and for the reasons in the accompanying memorandum, it is **ORDERED**:

1. Mr. Simmons' Application for leave to proceed *in forma pauperis* (ECF Doc. No. 1) is **GRANTED**;

2. Augustus Simmons, #KL2144, shall pay the full filing fee of \$350 in installments, under 28 U.S.C. § 1915(b), regardless of the outcome of this case. We direct the Superintendent of SCI-Coal or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Simmons' inmate account; or (b) the average monthly balance in his inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed under this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Simmons' inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Simmons' inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The Clerk of Court shall **SEND** a copy of this Order to the Superintendent of SCI-Coal;
4. The Complaint (ECF Doc. No. 2) is **DEEMED** filed;
5. We **dismiss** the Complaint (ECF Doc. No. 2); and,
6. The Clerk of Court shall **close** this case.

  
**KEARNEY, J.**